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Paper 44
Entered:February 25, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCK SHARP & DOHME LLC,
Petitioner,

v.

HALOZYME, INC.,
Patent Owner.

PGR2025-00003 (11,952,600 B2)	PGR2025-00046 (12,091,692 B2)
PGR2025-00004 (12,018,298 B2)	PGR2025-00024 (12,060,590 B2)
PGR2025-00006 (12,152,262 B2)	PGR2025-00030 (12,054,758 B2)
PGR2025-00009 (12,123,035 B2)	PGR2025-00052 (12,264,345 B1)
PGR2025-00017 (12,110,520 B2)	PGR2025-00042 (12,037,618 B2)
PGR2025-00033 (12,049,652 B2)	PGR2025-00050 (12,077,791 B2)
PGR2025-00039 (12,104,185 B2)	PGR2025-00053 (12,195,773 B2)

Before JEFFREY N. FREDMAN, SUSAN L. C. MITCHELL, CYNTHIA M. HARDMAN, and MICHAEL A. VALEK, *Administrative Patent Judges*.[1]

PER CURIAM

ORDER
Conditionally Granting Patent Owner's Motion to Seal
37 C.F.R. §§ 42.14, 42.54

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[1] This Order addresses issues in each of the identified proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. The parties are not authorized to use this style heading in subsequent papers. This is not a decision by an expanded panel of the Board. Rather, the listed judges are paneled on various of the listed cases.

Patent Owner Halozyme Inc. filed an unopposed motion to seal the confidential version of its Motion to Terminate (Paper 84). *See* Paper 83[2] ("Mot.") 1–4.

The standard for granting a motion to seal is "for good cause." 37 C.F.R. § 42.54(a). That standard includes a showing that (1) the information sought to be sealed is truly confidential, (2) a concrete harm would result upon public disclosure, (3) there exists a genuine need to rely in the trial on the specific information sought to be sealed, and (4) on balance, an interest in maintaining confidentiality outweighs the strong public interest in having an open record. *Argentum Pharms. LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27 (PTAB Jan. 19, 2018) (informative), 3–4.

Patent Owner represents that the portions of its Motion to Terminate that it seeks to seal "contain discussion of Merck's information and documents that Petitioner has marked as 'PROTECTIVE ORDER MATERIAL.'" Mot. 2. Patent Owner further states that "[b]ased on Petitioner's representation that the documents and information contained therein are indeed confidential, the information sought to be sealed has not been published or otherwise made public." *Id.* Patent Owner filed a redacted version of its Motion to Terminate. *See* Paper 68.

Based on the parties' representations, we conditionally grant Patent Owner's motion to seal subject to the following. We are concerned that some of the redactions in the public version of Patent Owner's Motion to Terminate are overbroad in that they may redact publicly-available information and/or it has not been shown that a concrete harm would result

[2] We cite Papers and Exhibits in PGR2025-00003. Similar papers and exhibits were filed in all other captioned proceedings.

from the public disclosure of the redacted material. We ask that Petitioner review the redacted material with an aim to minimize unnecessary redactions. If Petitioner determines that any of the current redactions are overbroad, we ask the parties to work together to file a new public (and less redacted) version of the Motion to Terminate within 10 business days. If, on the other hand, Petitioner believes all of the current redactions to the public version of the Motion to Terminate are necessary to protect its confidential information, it should file a notice with the Board, again within 10 business days, with a more thorough explanation as to why it believes there is good cause to seal this information. The Board will then consider that information in deciding whether to modify this order.

We remind the parties that confidential information that is subject to a protective order ordinarily becomes public 45 days after final judgment in a trial.[3] *See* Consolidated Office Trial Practice Guide[4] 21–22. There is an expectation that information will be made public where the existence of the information is referred to in a decision to grant or deny a request to institute a review. *Id.* at 22. A party seeking to maintain the confidentiality of information, however, may file a motion to expunge the information from the record prior to the information becoming public. *Id.*; 37 C.F.R. § 42.56.

[3] For purposes of this order, final judgment includes conclusion of any appeal.

[4] *Available at* https://www.uspto.gov/TrialPracticeGuideConsolidated.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, Patent Owner's Motion to Seal (Paper 83) is *conditionally granted* as provided above.

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